

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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|------------------------------|-----------------------------|
| KEENAN WRIGHT, RAYMOND E. | : |
| BLAKE, THEODORE ROLLINS, and | : |
| TAKOMA MEDLEY, | : |
| | : |
| Plaintiffs, | : |
| | : |
| v. | : |
| | Civil Action No. 07-783-JJF |
| | : |
| C/O MEARS, et al., | : |
| | : |
| Defendants. | : |

ORDER

WHEREAS, Plaintiffs, Takoma Medley ("Medley") and Theodore Rollins ("Rollins") were prisoners incarcerated within the Delaware Department of Correction at the time they filed their Complaint under 42 U.S.C. § 1983, along with application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;

WHEREAS, the Court entered an Order granting Medley and Rollins leave to proceed in forma pauperis and required them, along with the other named Plaintiffs, to pay the \$350.00 filing fee, jointly and severally, as determined by statute (D.I. 6);

WHEREAS, on December 26, 2007, the Court was notified that Medley is no longer incarcerated;

WHEREAS, on March 7, 2008, the Court was notified that Rollins is no longer incarcerated;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while

imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7th Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed. Appx. 429 (3d Cir. 2003).

THEREFORE, at Wilmington this 29 day of April, 2008, IT IS HEREBY ORDERED that within thirty days from the date of this Order, Plaintiffs, Takoma Medley and Theodore Rollins shall either pay the balance of the filing fee owed (\$350.00) **or** shall submit a new standard form application to proceed without prepayment of fees and affidavit so the Court may determine whether they are still eligible to proceed in forma pauperis.

NOTE: The failure of Takoma Medley and/or Theodore Rollins to timely comply with this Order shall result in the respective dismissal of their claim without prejudice.



UNITED STATES DISTRICT JUDGE